COURT NO.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 226 OF 2004 (S/B)

Tripureshwar Prasad Kala S/o Late Sh. R.D. Kala,
Serving as Executive Engineer, Construction Division,
Public Works Department, Purola, District Uttarkashi

..... **Petitioners**

Versus

1. State of Uttaranchal through Secretary, Department of Appointment & Personnel, Govt. of Uttaranchal, Dehradun
2. Secretary, Public Works Department, Govt. of Uttaranchal, Dehradun
3. Union of India, through Secretary, Ministry of Personnel, Public Grievances & Pension (Personnel & Training), New Delhi

..... **Respondents**

Shri Manoj Tewari, Advocate for the petitioners.
Sri K.P. Upadhyaya, learned standing counsel for the State of Uttaranchal.
Learned standing counsel for the Government of India

Dated: April 3, 2006

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Per Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioners have prayed for the following reliefs:-

A. To issue a writ order or direction in the nature of mandamus declaring Government Order dated 22.05.2003 (Annexure No.5) in so far as it provides that no member of General Cadre shall be allotted against posts borne within Hill Sub Cadre, as arbitrary and illegal.

B. To issue writ order or direction in the nature of mandamus restraining the Govt. of Uttaranchal

from giving differential treatment to the officers belonging to erstwhile General Cadre in the matter of promotion/posting within Uttaranchal.

C. To issue a writ order or direction in the nature of mandamus commanding the Central Government Respondent No.3 to discharge its statutory obligation by passing appropriate orders under Section 73(2) of U.P. Reorganization Act, 2000 regarding final allotment of officers to either of the two successor States.

D. To issue any other writ or direction, which this Court may deem fit and proper in the circumstances of the case.

E. Award the cost of the writ petition in favour of the petitioner.

2. Relief Nos.A and cannot be granted until and unless the final allocation is made under Section 73(2) of the U.P. Reorganization Act (***hereinafter will be referred to as the Act***) and for that purpose, the petitioner has made a prayer in Clause(C) of the prayer clause as quoted above.

3. No allocation in respect of the petitioner has been made by the Government of India under Section 73(2) of the Act. Therefore, it is directed that the petitioner shall make his representation relating to his allotment under Section 73(2) of the Act alongwith certified copy of this order to the Government of India within a week. Thereafter, the Government of India is directed to decide the said representation within a period of three weeks from the date of production of certified copy of this order.

4. We are framing time schedule for the reason that the petitioner is suffering due to non-consideration for his promotion on account of his non-allocation under Section 73(2) of the Act.

5. With the above direction, the petition is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang